

Remarks

I. Status

In the Final Office Action dated February 6, 2007, the Examiner: (i) rejected claims 19-22 under 35 U.S.C. § 101; and (ii) rejected claims 1-5, 7-11, and 19-26 under 35 U.S.C. § 102(e) as being anticipated by Patent No. 6,721,740 ("Skinner").

In this response, Applicant has amended claim 19. Claims 1-5, 7-11, 13-17, and 19-26 will be pending after entry of this Amendment.

II. Rejections under 35 U.S.C. § 101

The Examiner rejected claims 19-22 as being directed to non-patentable subject matter, but indicated that this rejection could be overcome if the claims were "amended to include only the physical computer media and not a transmission media or other intangible or non-functional media."

To put this Application in condition for allowance, Applicant has amended the claims to recite a "physical, computer readable storage media." Applicant reserves the right to pursue other media types, such as transmission media, in a subsequent application.

III. Rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-5, 7-11, 13-27 and 19-26 under 35 U.S.C. 102(e) as being anticipated by Skinner. A reference only anticipates a claimed invention if that reference teaches each and every claim element. Applicant respectfully submits that Skinner fails to satisfy this test.

A. The Examiner has admitted that Skinner fails to teach criteria based on the attributes of the observer

Applicant notes that the Examiner relied on Skinner to reject the claims under Section 102(e) in a previous Office Action. *Office Action, mailed June 3, 2005 at pg. 2.* As Applicant explained in its Appeal from those rejections, however, the interest criteria in Skinner is limited to assembling conditions on the attributes of the subject. *Appeal Brief, mailed December 5, 2005 at pg. 11.* The present invention, in contrast, allows the observer to implement and register criteria based on the attributes of the observer. *Id.*

In response to Applicant's Appeal brief, the Examiner withdrew the Section 102(e) rejections, acknowledging that Skinner does not disclose "the configuration information comprising an attribute of the observer" or "selectively communicat[ing] the update information to the observer based on the configuration information" or "the configuration information comprising an attribute of the observer." *Office Action, mailed July 18, 2006 at pg. 5 and pg. 13.* Applicant respectfully agrees.

B. Skinner fails to teach observer created and controlled aspect objects.

In conventional subject-observer systems, each subject maintained a list of observers and, when the subject's state changed, notified each observer of its state change. This notification occurred regardless of the observer's particular interest or the observer's capacity to handle the update. The observers would then request the updated information, again regardless of the observer's particular interest or the observer's capacity to handle the update. The subject's updates are then issued, only to be discarded by that observer. This drawback made conventional designs inflexible and inefficient, particularly in modern "distributed" systems because the remote messages are comparatively slow.

The claimed inventions, as amended, overcome these drawbacks by introducing observer created and controlled aspect objects into a subject/observer implementation. *See claim 1* ("an

aspect object created by the observer and adapted for attachment to the subject, the aspect object further adapted to receive the configuration information from the observer and to selectively communicate the update information to the observer based on the configuration information"); *claim 10* ("an aspect object created by the observer and attached to the subject code segment, the aspect object configured receive the update message from the subject code segment and to selectively communicate update information to the observer based at least in part upon an attribute of the observer and the received information"); *claims 13 and 19* ("in an observer, generating instructions to create an aspect object, communicating configuration information from the observer to the aspect object, the configuration information comprising an attribute of the observer; [and] attaching the aspect object to a subject"); and *claim 23* ("in an observer object, generating instructions to create an aspect object; communicating configuration information from the observer object to the aspect object, the configuration information including a desired type indicator and a desired communication rate indicator; attaching the aspect object to the subject object") (*element numbers removed*).

With this in mind, Applicant notes that Skinner is merely an example of the traditional subject-observer system discussed in more detail in Applicant's Background section at pgs. 3-4. As such, it fails to teach any method for observer to implement and register criteria based on the attributes of the observer, *See Office Action mailed July 18, 2006 at pg. 5*, much less the claimed observer-created and controlled aspect objects. That is, in the present invention, each observer creates one or more aspect objects (i.e., both data and the procedures to manipulate that data) and then issues instructions to attach the aspect object(s) to the subject. These observer-created and controlled aspect objects, in turn, provide the observer with virtually unlimited flexibility to specify what specific type of information it wants, in what form the information it wants that information sent, and how frequently it wants the information to be sent.


11 PATENT -- AMENDMENT AFTER FINAL
Response Under 37 CFR 1.116--Expedited
Procedure - Examining Group 2145

IV. Conclusion

Applicant believes that the present application is now in condition for allowance and respectfully requests allowance of each of the pending claims. Applicant also invites the Examiner to call Applicant's attorney at the number listed below if the Examiner believes that a telephone interview would be helpful in expediting allowance of the present application.

Date: April 4, 2007

Respectfully submitted,

By 
Grant A. Johnson, Attorney
Registration No. 42,696

Telephone: (507)253-4660
Fax: (507)253-2382